THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22272 of 2006

27.10.2006

Between:

The Property Association, Baptist Churches Private Ltd.,
Rep. by its Executive Director, Paster G.D.D.Diwakar, Kavali.

... Petitioner

AND

Ministry of Home Department, Rep. by its Secretary,
Government of Andhra Pradesh, Secretariat, Hyderabad.
And others

... Respondents

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ORDER:

The Property Association, Baptist Churches Private Limited, is the petitioner. It is alleged that the petitioner has innumerable properties in the States of Andhra Pradesh, Bihar, Orissa, Tamil Nadu and West Bengal. All these properties were originally owned by American Baptist Foreign Missionary Society, the third respondent herein, which allegedly transferred the properties to the petitioner. It is further alleged that the third respondent is, however, interfering with the day-to-day activities of the petitioner. Therefore, the petitioner filed a suit being O.S.No.26 of 2005 on the file of the Court of the Senior Civil Judge, Kavali, for perpetual injunction. The same was decreed on 17.6.2005. Even after that the Superintendents of Police of Guntur, Khammam, Krishna, Kurnool, Nalgonda, Nellore, Prakasam and Warangal Districts, are interfering with the properties and administration of the petitioner, at the behest of the third respondent. The petitioner then approached the second respondent, who by memo dated 11.6.2005 requested the concerned Superintendents of Police to take necessary action to prevent breach of law and order. The petitioner again filed the present writ petition seeking the following relief.

For the reasons stated in the accompanying affidavit it

is prayed to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, Direct all the District Superintendent of the police of Nellore, Prakasham, Kurnool, Guntur, Krishna, Nalgonda, Warangal and Commissioner of Police, Hyderabad through the Respondent No.1 & 2 restrain the Respondent NO.3, and his men, agents, assignees, etc., from interfering with the company & its affairs and administration and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case and in the interest of Justice.

The Ministry of Home Department represented by its Secretary, Government of Andhra Pradesh, Secretariat; Director General and Inspector General of Police, Andhra Pradesh; and American Baptist Foreign Missionary Society, are shown as respondents 1 to 3 respectively.

Learned Counsel for the petitioner placed strong reliance on the memo dated 11.6.2005 purportedly sent by the second respondent. A reading of the same would show that the said memo was issued by the second respondent advising Superintendents of Police of some Districts to give all necessary help to one Dr.K.Imotemjen Aier, in protecting their properties as per the judgment of the High Court of Madras dated 05.4.2005. Therefore, it is not possible to accept the contention that the said memo was issued in favour of the petitioner. Secondly, no writ would lie against Ministry of Home Department, and the Government of Andhra Pradesh is not added as a party in a proper manner. Thirdly, a blanket direction as prayed in this writ petition cannot be granted. If a specific instance is brought to the notice of the proper authority, the same may be considered for appropriate redressal. Lastly, the petitioner admittedly obtained an *ex parte* decree of injunction against the third respondent and, therefore, it is always open to the petitioner to seek appropriate redressal in the civil court.

The writ petition is wholly misconceived and is accordingly dismissed. No costs.

October 27, 2006 (**V.V.S.RAO,J**)
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